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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Fernando GARCIA-Garcia,

Defendant(s)

Magistrate Case No.

COMPLAINT FOR VIOLATION OF:

Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)
Transportation of Illegal
Aliens

The undersigned complainant, being duly sworn, states:

On or about **April 15, 2008**, within the Southern District of California, defendant **Fernando GARCIA-Garcia** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Gilberto RODRIGUEZ-Martinez**, **Maclobio ESTRADA-Estrada**, and **Jose Abel MARTINEZ-Navarro** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 16th DAY OF APRIL 2008


Barbara L. Major
UNITED STATES MAGISTRATE JUDGE

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PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Gilberto RODRIGUEZ-Martinez, Maclobio ESTRADA-Estrada, and Jose Abel MARTINEZ-Navarro** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On April 15, 2008, Border Patrol Agents on the plain-clothes unit were performing anti-smuggling duties in the Brown Field station State Route (SR) 94 Immigration checkpoint area of operations. Agents were in plain-clothes and utilizing unmarked DHS vehicles.

At approximately 7:00 a.m., Sector Dispatch advised Agents in the field of a request from a San Diego County Sheriff's Deputy for assistance with a vehicle driving recklessly on Skyline Truck Trail heading towards Lyons Valley Road. Dispatch advised Agents that a Deputy/Detective E. Vest, observed a white Lexus SUV carrying suspected undocumented illegal aliens near Wisecarver Road and Skyline Truck Trail located in Jamul, California.

Detective Vest relayed that the white Lexus was traveling southbound towards Lyons Valley Road at a high rate of speed. Detective Vest stated that the Lexus was passing commuter traffic, crossing over the double yellow lines and passing on blind curves. Detective Vest stated that the Lexus was traveling at an approximate speed of 85 miles an hour with total disregard for the passengers' safety or that of the local commuter traffic.

Border Patrol Agents were waiting in the Lexus' anticipated route of travel near Jamul Drive to assist the Deputy. Detective Vest relayed that the Lexus had made a last minute turn onto Jamul Drive and was slowed down by commuter traffic. Deputy M.R. Villalobos was in a fully marked Sheriff's vehicle waiting on Jamul Drive. Deputy Villalobos then advised he was going to attempt a vehicle stop. Deputy Villalobos advised that the Lexus appeared to be pulling over and then observed five individuals bail out and flee from him on foot. Border Patrol Agents arrived on scene shortly after and assisted the Deputies with securing the scene and locating the five individuals that ran from the vehicle.

After a search of the area, Border Patrol Agents apprehended the five individuals that fled from the vehicle, including the driver of the vehicle, Fernando GARCIA-Garcia. After the apprehension of the individuals, Agents in full duty uniforms identified themselves as United States Border Patrol Agents to all subjects, including the defendant, and conducted a brief immigration inspection. All subjects including the defendant stated that they were citizens and nationals of Mexico without proper documentation allowing them to be or remain in the United States legally. All subjects were arrested and transported to the Brown Field station for processing.

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CONTINUATION OF COMPLAINT:
Fernando GARCIA-Garcia

DEFENDANT STATEMENT:

Defendant Fernando GARCIA-Garcia was advised of his Miranda Rights and stated that he understood his rights and agreed to speak with the Agents without an attorney present.

Upon questioning, the defendant admitted that he has previously been deported and that he has a criminal record. The defendant admitted that he was arrested in 1996 for alien smuggling as a load driver.

The defendant admitted that he knew he was being followed by law enforcement since the beginning and observed the fully marked Sheriff's vehicle turn on its emergency equipment. The defendant stated that he decided to stop the vehicle and run from the Deputy because of fear and him making a stupid decision. The defendant admitted that he was in fact going to be paid the amount of \$200.00 USD to smuggle his friend's brother.

The defendant stated that a friend living in Tijuana, Mexico had asked him to do him a favor which involved smuggling his friend's brother. The defendant stated that his friend gave him directions to where his brother would be waiting. The defendant described going up Lyons Valley Road near a fire station as the pick up spot for his friend's brother. This area is located in Jamul, California. The defendant stated that when he arrived to the location his friend's brother waved him down. The defendant stated he pulled over and only thought he was picking up one person but noticed several people get in the Lexus.

MATERIAL WITNESSES STATEMENTS:

Material witnesses Gilberto RODRIGUEZ-Martinez, Maclobio ESTRADA-Estrada, and Jose MARTINEZ-Navarro all freely admitted to being citizens and nationals of Mexico without the proper documentation to be in the United States legally. They each stated that they crossed into the United States illegally. They each stated that they were picked up by a white truck. All individuals were going to pay between \$1,500.00 and \$1,600.00 to be successfully smuggled into the United States. The material witnesses identified defendant GARCIA as the driver from a photo lineup.